

HOUSE BILL 3179

By West

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 35, Part 1, relative to private protective services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-35-107, is amended by adding a new subsection thereto, as follows:

(e)(1) The commissioner may also request by telephone that the Tennessee bureau of investigation conduct a criminal history record check on the applicant and shall provide the following information to the bureau:

(A) The name, gender, race, and date of birth of the applicant;

(B) The social security number of the applicant, if one has been assigned;

and

(C) The type, issuer and identification number of the identification presented by the applicant.

(2) Upon receipt of a request of the commissioner for a criminal history record check, the Tennessee bureau of investigation shall immediately, during the commissioner's telephone call or by return call determine from criminal records and

other information available to it whether the applicant has any convictions or pending charges of commission of a felony or misdemeanor in any jurisdiction.

(3) The Tennessee bureau of investigation may charge a reasonable fee, not to exceed ten dollars (\$10.00), for conducting background checks and other costs incurred under the provisions of this section, and shall be empowered to bill the commissioner for checks run.

(4) Funds collected by the Tennessee bureau of investigation pursuant to this section shall be deposited in a continuing deferred interest-bearing revenue fund that is hereby created in the state treasury. This fund will not revert to the general fund on June 30 of any year. This fund shall be used to offset the costs associated with conducting background checks.

(5) The Tennessee bureau of investigation shall establish a telephone number that shall be operational seven (7) days a week between the hours of eight o'clock a.m. and ten o'clock p.m. Central Standard Time (8:00 a.m.-10:00 p.m. (CST)), except Christmas Day, Thanksgiving Day, and Independence Day, for the purpose of responding to inquiries from the commissioner for a criminal history record check under this section.

(6) No public employee, official or agency shall be held criminally or civilly liable for performing the investigations required by this section; provided the employee, official or agency acts in good faith and without malice.

(7) For the purposes of this subsection, commissioner shall also include any designee of the commissioner.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.